

SENATE BILL REPORT

SB 5622

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 27, 2007

Title: An act relating to collective bargaining for certain employees of institutions of higher education and related boards.

Brief Description: Changing collective bargaining eligibility requirements for certain employees of higher education institutions and related boards.

Sponsors: Senators Kohl-Welles, Roach, Keiser, Hobbs, Poulsen, Zarelli, Spanel, Shin, Pridemore, Kline, Hatfield, Kilmer, Oemig, Hargrove, Murray, McAuliffe and Rasmussen.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/06/07, 2/27/07[DPS-WM, DNP, w/oRec].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5622 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice.

Minority Report: Do not pass.

Signed by Senator Hewitt.

Minority Report: That it be referred without recommendation.

Signed by Senators Clements, Ranking Minority Member and Holmquist.

Staff: Jennifer Strus (786-7316)

Background: Under the Personnel System Reform Act, employees of institutions of higher education who are covered for purposes of civil service are also covered for purposes of state employee collective bargaining.

Employees who are exempt from civil service, and therefore, from state employee collective bargaining, are:

- members of the governing board, presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants;
- deans, directors, and chairs;
- executive heads of major divisions and their principal assistants; and

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- certain other managerial or professional employees.

Employees who are exempt from civil service, but covered for purposes of collective bargaining under laws other than the Personnel System Reform Act, are:

- academic personnel;
- certain employees of community college districts; and
- printing craft employees in the University of Washington's Department of Printing.

Classifications that may be made exempt from civil service by an institution's governing board, and therefore, from state employee collective bargaining, are those involving:

- research activities;
- counseling of students;
- extension or continuing education activities; and
- graphic arts or publications activities.

Other employees who are exempt from state employee collective bargaining are:

- employees covered under the Public Employees' Collective Bargaining Act;
- confidential employees;
- Washington Management Service members; and
- internal auditors.

Summary of Bill: Under the Personnel System Reform Act, employees of institutions of higher education who are exempt from state employee collective bargaining are listed. There are no references to employees who are covered by or exempt from civil service.

Employees who are exempt from state employee collective bargaining are:

- confidential employees;
- members of the governing board, presidents, and vice-presidents;
- deans, directors, and chairs; and
- executive heads of major divisions.

Employees who are exempt from state employee collective bargaining under the Personnel System Reform Act, but covered for purposes of collective bargaining under other laws, are:

- printing craft employees in the University of Washington's Department of Printing and other employees covered under the Public Employees' Collective Bargaining Act;
- certain faculty at public four-year institutions of higher education; and
- certain employees of community college districts.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Labor, Commerce, Research & Development): RCW 41.56 is amended to apply to higher education institution employees who are exempted from civil service, except for the following persons: 1) executive employees; 2) managers who formulate, develop or establish institutional policy or direct the work of an administrative division; or manage, administer or control a program; have substantial responsibility for human resources, administration, legislative relations, public information, internal audits or preparation of budgets; or functionally is above the first level of supervision and exercises authority that is not routine or clerical; 3) employees acting as principal assistants, administrative assistants, or personal assistants to executive employees; 4) confidential employees; and 5) employees who

assist AAGs who represent managers or confidential employees in personnel or labor relations or tort matters.

Institutions of higher education and bargaining rep must not bargain over rights of management as follows: functions and programs of institution, use of technology and structure of organization; institution's budget and size of its workforce, including determining financial basis for layoffs; right to take whatever actions are necessary to carry out mission of the state and institutions during emergencies; retirement plans and benefits; health care benefits or other employee insurance benefits.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Bargaining rights should be extended to as many people as possible. These rights should be extended to the last group of people without them. Many staff at University of Washington do work that is fundamental to University of Washington and yet, they do not have the right to collectively bargain. These employees want a voice and must rely on the state Legislature to provide them with collective bargaining rights. Providing these bargaining rights can only serve to enhance the state institutions in which these employees work.

CON: The result of this bill is unintended consequences. For example, by including some of the people in the list to be able to bargain, students hired as temporary employees could be included in the bargaining unit. Some stakeholders were not contacted about this bill so they have many questions. It is not clear what problem the bill is trying to address. It is also not clear why higher education is targeted; problems with this issue in the community and technical college system have not been heard of in the recent past.

OTHER: The ability of professionals to bargain is supported, but have concerns about unintended consequences and why higher education is targeted. This bill would make management employees eligible for bargaining which means some professional staff could bargain while others could not and this could cause some conflicts of interest.

Persons Testifying: PRO: Suzanne Recordan, Sarah Laslett, University of Washington; Sandra Schroeder, American Federation of Teachers Washington.

CON: John Boesenberg, State Board for Community and Technical Colleges.

OTHER: Terry Teale, Council of Presidents; Larry Ganders, Washington State University, Council of Presidents.